#### **HOUSING BOARD OF REVIEW**

## City of Burlington

149 Church Street Room 11 Burlington, Vermont 05401 (802) 865-7122

# HOUSING BOARD OF REVIEW CITY OF BURLINGTON

### **NOTICE OF DECISION**

Enclosed is a copy of the "Findings of Fact, Conclusions of Law and Order" of the Burlington Housing Board of Review.

Please note that a person aggrieved by a decision of the Housing Board of Review is entitled to appeal to the Chittenden Superior Court. (See Housing Code Section 18-59 and Vermont Statutes Annotated, Title 24, Section 5006.) The court rules may require that such an appeal be commenced within thirty (30) days of the Board's Order.

Unless an appeal is taken, the Board's Order should be complied with before expiration of the thirty (30) day period.

CITY OF BURLINGTON HOUSING BOARD OF REVIEW

Jason L'Ecuyer Board Vice Chair

cc: Chris Khamnei Matthew Perry

# STATE OF VERMONT CHITTENDEN COUNTY, SS.

	Request for Hearing of CHRIS	)
	KHAMNEI Regarding the Rental	) CITY OF BURLINGTON
	Property at 230 Pine Street, Unit 1	) HOUSING BOARD OF REVIEW

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### FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

The above-named hearing came before the Housing Board of Review on April 6, 2015. Board Vice-Chair Jason L'Ecuyer presided. Board Members Ben Traverse and Patrick Kearney were also present. Petitioner Chris Khamnei was present and testified. William Ward, Director of Code Enforcement, and Matthew Perry, Code Enforcement Officer, were also present and testified.

Upon consideration of the evidence and the applicable law, the Board makes the following Findings of Fact, Conclusions of Law, and Order:

#### **FINDINGS OF FACT**

- 1. Petitioner Chris Khamnei is the owner of a rental property, 230 Pine Street, Unit 1, in the City of Burlington which is the subject of these proceedings.
- 2. On March 5, 2015, Code Enforcement Officer Matthew Perry conducted a complaint investigation at the premises. In his Order dated March 6, 2015, Mr. Perry noted several deficiencies in the unit, including but not limited to water damage to the ceiling and east wall of the rear bedroom and damage to some clapboards on the exterior of the house.
- 3. Section 18-71(c) of the Minimum Housing Code requires every roof to be structurally sound, tight, and free of defects that might admit rain and roof drainage. Additionally, roof drainage must be prevented from causing dampness in the walls or interior portions of the building.
- 4. Section 18-71(b) of the Minimum Housing Code requires every exterior wall to be free of holes, breaks, loose or rotting boards, and any other conditions which admit rain or dampness to the interior portions of the walls or to the occupied spaces of the building.

5. Section 18-72(b) of the Minimum Housing Code requires interior walls and ceilings to be maintained in sound condition and good repair; there shall be no cracked or loose plaster, peeling paint, decayed wood, or other deteriorated or damaged surface conditions.

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- 6. Petitioner and Matthew Perry disputed the condition of the apartment at the time of its inspection on March 5, 2015. Although petitioner admitted to there being some water damage in the apartment due to work being done on the building (including replacing the roof), he testified that repairs to the interior wall and ceiling were fixed before Mr. Perry's inspection. Photographs of the unit taken by Mr. Perry during his inspection confirm the presence of water stains on the wall and ceiling; at the time of the inspection, these areas were damp to the touch, indicating moisture was coming into the interior of the apartment. Moreover, a photograph of the exterior wall indicates that some siding was pulled off and in disrepair.
- 7. At hearing, petitioner agreed that to the extent any deficiencies still existed, they would be rectified by May 1, 2015, with the exception of replacing the roof, for which he requested an additional 60 days. Mr. Perry agreed to conduct a new inspection on May 1, 2015.

### **CONCLUSIONS OF LAW**

- 8. Section 18-42(d) of the Minimum Housing Code grants the Housing Board of Review the power to reverse or affirm, in whole or in part, any order or other action of the inspector and to make such order, requirement, decision or determination as ought to be made.
- 9. Here, petitioner failed to submit evidence sufficiently demonstrating he was improperly cited for the deficiencies set forth in the Minimum Housing Order. Per the agreement of the parties at hearing, petitioner has until the time of the scheduled inspection on May 1, 2015 to rectify the cited deficiencies.
- 10. It is otherwise unnecessary for the Board to grant petitioner an extension to replace the property's roof. The Minimum Housing Code requires only that the roof be structurally sound and tight, and to not have defects which might admit rain and roof drainage. Petitioner is not expressly required to replace the current roof, as long as it comes into compliance with these minimum requirements.

### <u>ORDER</u>

Accordingly, it is hereby ORDERED:

10. The Minimum Housing Order dated March 6, 2015 related to 230 Pine Street, Unit 1 is **AFFIRMED**. Petitioner has until the time of the scheduled inspection on May 1, 2015 to comply with the Order.

DATED at Burlington, Vermont this 5 day of May, 2015.

CITY OF BURLINGTON HOUSING BOARD OF REVIEW

Jason L'Ecuver

Patrick Kearney

Ben Trayerse